



PATENT
Atty Docket No. 0401-UTL-0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. Serial No. : 10/016,969
Applicant : Pittner et al.
Filed : 14 Dec 2001
TC/A.U. : 1646
Examiner : Ruixiang Li
Title : Peptide YY and Peptide YY Agonists for Treatment of Metabolic Disorders

Confirmation No.: 7314

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION

Sir:

In response to the Office communication concerning the above referenced application, mailed on December 19, 2003, it appears that while the U.S. Patent Office received the Supplemental Amendment dated September 30, 2003, and the Request for Continued Examination filed September 22, 2003 (RCE acknowledged in PAIR), it did not receive the Response that was filed with the RCE. Therefore, Applicants resubmit the following papers:

Copy of Request for Continued Examination (1 page) dated September 22, 2003;
Copy of Response to Office Action (10 pages), which accompanied the RCE;
Copy of Supplemental IDS (2 pages);

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1/8/04
Date of Deposit

Amanda Halverson
Name of Person Mailing Paper
Amanda Halverson
Signature of Person Mailing Paper

Copy of Supplemental form PTO-1449 (2 pages);
Copy of the references cited in the PTO-1449;
Copy of Transmittal form (1 page);
Copy of Fee Transmittal form (1 page – in duplicate); and
Copy of return postcard mailed from the U.S. Patent Office acknowledging receipt of the above-referenced materials.

All the above-referenced materials were deposited by first class mail on September 22, 2003.

Applicants respectfully request that the Patent Office consider the Response that accompanied the RCE, filed September 22, 2003, first and then the Supplemental Amendment submitted on September 30, 2003. Applicants submit that upon entry of the amendments, the Supplemental Amendment sets forth the claims as currently pending. The Examiner is encouraged to call the undersigned attorney to discuss any issues related to the prosecution of the instant application.

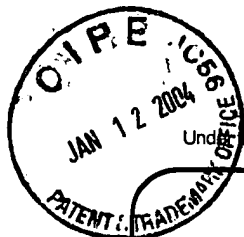
Applicants believe that no fee is necessitated by the present paper. However, in the event any fees are due or any amount is to be credited, Applicants authorize the Commissioner of Patents to debit or credit Deposit Account No. 010535.

Respectfully submitted,



Mi K. Kim
Reg. No. 44,830

AMYLIN PHARMACEUTICALS, INC.
9360 Towne Centre Drive
Suite 110
San Diego, CA 92121
Phone: (858) 552-2200
Facsimile: (858) 552-1936



image

RCE

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/016,969
Filing Date	December 14, 2001
First Named Inventor	Richard A. Pittner et al.
Art Unit	1646
Examiner Name	R. Li
Attorney Docket Number	0401-UTL-0/18528.010

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Response
 - ☐ After Final
 - ☐ Affidavits/declaration(s)

- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

- ☒ Other Enclosure(s) (please identify below):

Postcard

Copy of submission dated September 22, 2003. Please see Remarks section for a complete list of items submitted herewith.

Remarks

Copies of: Request for Continued Examination (1 page); Response to Office Action (10 pages); Supplemental IDS (2 pages); Supplemental form PTO-1449 (2 pages); References cited in the PTO-1449; Transmittal form (1 page); Fee Transmittal form (1 page - in duplicate); and Return postcard mailed from the U.S. Patent Office acknowledging receipt of the above-referenced materials.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name
Amylin Pharmaceuticals, Inc.
Mi K.Kim, Reg. No. 44,830

Signature

Date

1/8/04

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Typed or printed name

Signature

Date

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Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1230

Complete if Known

Application Number	10/016,969
Filing Date	December 14, 2001
First Named Inventor	Richard A. PITTNER et al.
Examiner Name	R. LI
Art Unit	1646
Attorney Docket No.	0401-UTL-0/18528.010

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☒ Deposit Account:Deposit
Account
Number

01-0535

Deposit
Account
Name

Amylin Pharmaceuticals, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee (\$)

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1001	750	2001	375	Utility filing fee
1002	330	2002	165	Design filing fee
1003	520	2003	260	Plant filing fee
1004	750	2004	375	Reissue filing fee
1005	160	2005	80	Provisional filing fee

Fee Paid

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
90	37 **	53	9
Independent Claims	14	5	42
Multiple Dependent			0

Large Entity		Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee (\$)

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 855)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee (\$)

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	375.
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 375)

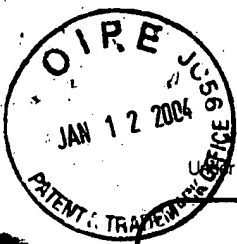
SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	MI K. Kim	Registration No. Attorney/Agent)	44,830	Telephone	858-458-8494
Signature				Date	9/22/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/016,969
	Filing Date	December 14, 2001
	First Named Inventor	Richard A. Pittner et al.
	Art Unit	1646
	Examiner Name	R. Li
Total Number of Pages in This Submission	Attorney Docket Number	0401-UTL-0/18528.010

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RCE FORM PTO-1449 References Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Amylin Pharmaceuticals, Inc. Mi K.Kim, Reg. No. 44,830		
Signature			
Date	September 22, 2003		

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Typed or printed name	Mi K. Kim		
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UTILITY PATENT

Date: 9/22/03

Rec'd in the U.S. Patent & Trademark Office on the date stamped hereon via Certificate of Mail:

Case # 0401-UT2-0 S/N: 10/016,969 Filed: Dec. 14, 2001

Pat # _____ Issued: _____

Examiner: R. Li Art Unit: 1646 Atty: M. K. KimApplicant: Pittner et al.Title: Peptide YY and Peptide YY Agonists...

- ☐ Transmittal (1 pg)
- ☐ Fee transmitted (1 pg) in duplicate
- ☐ Request for Continued Examination (1 pg)
- ☐ Response Afterfinal (10 pgs)
- ☐ Supp IDS (2 pgs)
- ☐ Supp PTO (2 pgs)
- ☐ References (10 references)
- ☐ Return Postcard

UTILITY PATENT

Date: 9/22/03

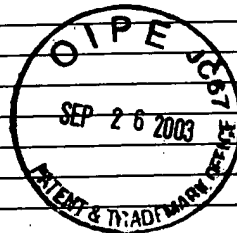
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Case # 0401-UT2-0 S/N: 10/016,969 Filed: Dec. 14, 2001

Pat # _____ Issued: _____

Examiner: R. Li Art Unit: 1646 Atty: M. K. KimApplicant: Pittner et al.Title: Peptide YY and Peptide YY Agonists...

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- ☐ References (10 references)
- ☐ Return Postcard

docketed
CP